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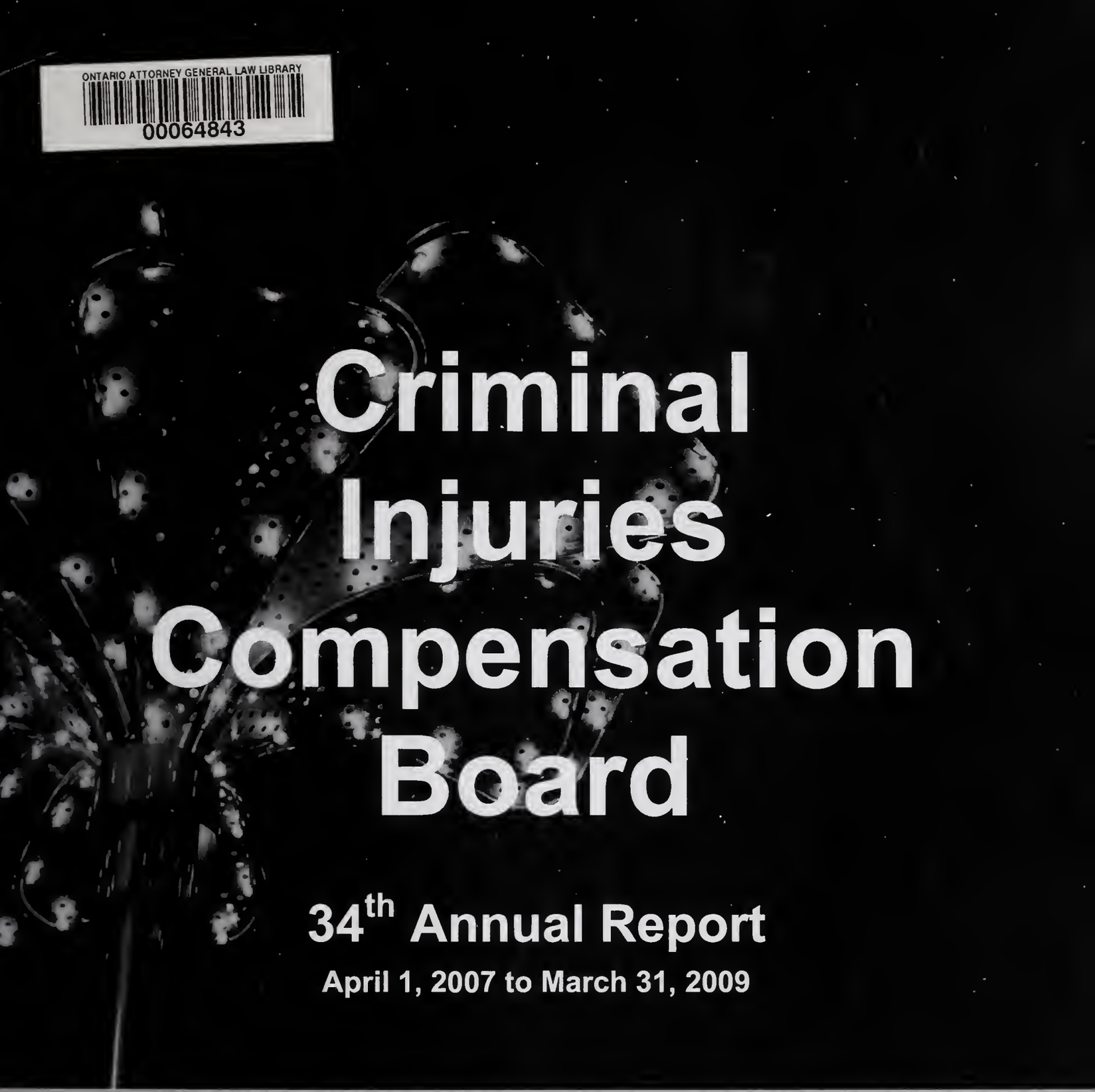

Criminal Injuries Compensation Board

34th Annual Report

April 1, 2007 to March 31, 2009

Ontario

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MESSAGE FROM THE CHAIR

It is a pleasure to present the Criminal Injuries Compensation Board's 34th Annual Report covering the fiscal years 2007-08 and 2008-09. These past two years have been a time of significant growth and change for the Board, the highlights of which are presented to you in the pages that follow. Board members and staff have worked diligently to modify Board practices so that we can be more user-friendly and responsive to victims of crime. Our efforts have brought excellent results in simplifying the process and dramatically reducing the time taken to process claims for compensation.

Where We Came From

The Board has a long history of serving victims of crime, having first started receiving claims under its current structure in 1969. In the early years, the Board comprised half a dozen Board members and an equal number of staff. The volume of applications was quite small (438 for the calendar year 1971) and the average compensation awarded was under $1,900. This is quite a contrast to the Board's current reality. As at March 31, 2009, we had 32 Board members and 66 staff. In 2008-09, we received 4,026 applications, heard 3,859 cases and the average award was $10,085.

It is not just the size of the organization and the number of victims we serve that differentiates the Board's current work from its early roots. The nature of many of the applications has changed over time. According to early annual reports, the vast majority of cases did not present difficulties in proving that a crime of violence had taken place because a police report was readily available. It is also apparent that most early applications involved clear physical injuries, usually from an isolated event, for which the Board could easily assess compensation.

In contrast, the Board has received thousands of claims over the last two decades involving domestic violence and child sexual and/or physical abuse. In 2008-09, 33% of applications filed with the Board involved sexual assault, domestic assault and/or child abuse. These cases are less likely to have police involvement and may not be reported for many years. They frequently involve multiple acts of violence spanning many years. Compensation is more likely sought for psychological injuries rather than physical injuries, posing additional challenges for applicants to prove their injuries and the Board to assess awards. All these factors contribute to the current complexity of the Board's adjudication process.

Not surprisingly, growth of a large and complex inventory of claims has led to significant challenges for the Board. By the fall of 2006, the Ombudsman announced that he would be conducting a systemic investigation into the Board's operations. His investigation report, which

was released in February 2007, was highly critical of us and cited lengthy delays and undue bureaucracy as well as concerns about the Board's funding. The Board, with the support of the Ministry of the Attorney General, moved immediately to address the concerns.

Doing Better – Now and in the Future

Following receipt of the Ombudsman's report, the Board launched the first phase of a business transformation project designed to streamline claims processing and to address the large inventory of applications. External advice was sought on existing business practices and to provide recommendations for improving performance and results going forward. With the benefit of the recommendations from the Ombudsman, along with substantial additional resources provided through the Ministry of the Attorney General, the Board commenced its business transformation project.

Twenty-two new temporary staff were hired and fourteen new adjudicators were appointed. Several process changes were made. Here are the highlights:

- The application and supplementary forms were simplified to make them easier for victims to complete.
- We relaxed our approach to errors in documentation allowing them to be corrected by telephone in many cases.
- We no longer maintain a "holding bin" for claims. A staff person is assigned to a claim at all times.
- Requests for police information are made earlier in the process thereby reducing the time taken to collect relevant police documentation to process the claim.
- Where sufficient information exists for the claim to be adjudicated, we schedule the claim for hearing even though additional documentation may be outstanding.
- We made substantial upgrades to our case management system to automate certain time-consuming manual processes, and to allow us to better track cases.
- We provided staff with sensitivity training to better equip them to deal with people in crisis.

As a result of these initiatives combined with additional financial resources, the Board has been able to significantly reduce the time and effort required for victims to obtain a decision. We conducted 59% more hearings and completed 61% more cases in 2008-09 than in 2006-07. The average time from receipt of application to hearing date for claims fell by 18%.

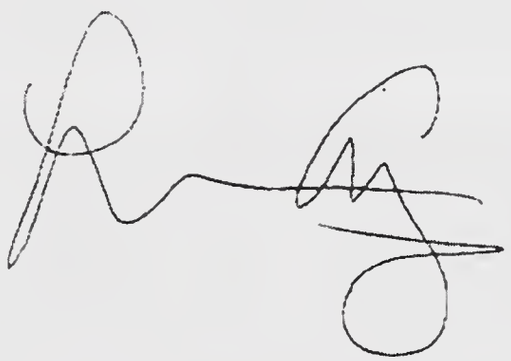
Currently, average claims processing time from the date a victim files an application until she or he receives the Board's decision is 27 months. This compares to approximately 32 months for fiscal 2006-07, a reduction of 15%. For claims filed beyond the two year statutory limitation period, the average total processing time fell 16% from 40 months to 34 months.

The Board has been able to accomplish a great deal over the last two years in part due to the excellent support we have received from the Ministry of the Attorney General and other partners in victim services. We appreciate the on-going commitment shown by police services and court

administration personnel in providing vital information and evidence to the Board. We are also grateful to the many victim service agencies and health care professionals in the province who provide support to victims in pursuing their claims.

The efforts of the past two years have led to some great results. However, we know that more can and should be done to further improve our adjudication of victims' claims. The longer and more complex the process, the less helpful it is to victims who are working through the effects of their experience of criminal violence. The shorter and more user-friendly our process can be, the better we serve victims.

As described above, times have changed greatly since the Board was first formed. We must ensure that our processes also change with the times. We are therefore committed to re-engineering our process to ensure faster and more effective adjudication of claims now and into the future. Ontario's victims of violence can and should expect that of us.



Chair, Criminal Injuries Compensation Board
Monday, May 11, 2009

PERFORMANCE SUMMARY

The 2006-07 fiscal year was the last year before the commencement of the business transformation project and serves as a baseline for comparative results for the two fiscal years covered in this Report. Fiscal year 2007-08 was a transition year where we hired additional staff and received new appointed Board members and where various procedure changes were proposed and implemented. It was only in the last quarter of 2007-08 that the new personnel and many of the changes were fully in place and operational. Hence, 2008-09 was the first full year where most of the improvements were in effect.

Starting in 2007-08, additional staff resources were initially dedicated to assisting with the large inventory of applications waiting to be received. As claims moved through the process, staff was directed to the areas of processing with the largest need.

In 2008-09, the Board conducted 59% more hearings and completed 61% more cases than in 2006-07. Application processing times were reduced as follows:

- The average time from receipt of an application to hearing date fell by 18% where the claim was filed within the 2 year limitation period and by 19% where the application was filed late and required a ruling on timeliness.
- The average times from receipt of application to receipt of the Board's decision and award dropped 15%, from 32 months to 27 months. In cases filed beyond the limitation period, the average time decreased 16% from 40 months to 34 months.
- For claims that were completed in the month of March 2009, the average time from receipt of application to award was 24 months.

Overall, the Board increased its capacity to handle claims from the intake of the application to its adjudication and compensation award.

- The average number of applications in process per month was 58% greater in 2008-09 than in 2006-07.
- The Claims Support Unit in 2008-09 sent out 88% more, received 113% more and data entered 86% more police questionnaires than in 2006-07.
- The Finance Unit processed more than double the volume of awards, both by number and dollar values in 2008-09 than in 2006-07, without a change in staff size.

The table on the next page shows some of the key data for the past three fiscal years' performance.

Key Performance Data	2006 - 07	2007- 08	2008 - 09	2006-07 to 2008-09 % change
Claims Received	3,203	4,321	4,026	25.7%
Files in Process (average per month)	2,333	2,743	3,695	58.4%
Number of Hearings	2,425	3,466	3,859	59.1%
Outstanding Board Orders (average)	62 days	50 days	37 days	-40.3%
Average Award	$8,773	$10,761	$10,085	15.0%
Total Number of Cases at Year End Where Monthly Periodic Payments Made	236	258	287	21.6%
Number of Files Completed	2,171	2,598	3,505	61.4%
Average Time from Receipt to Hearing[1]				
Where Claim Filed within Two Year Statutory Limitation Period	827 days	853 days	680 days	-17.8%
Where Claim Filed Beyond Two Year Limitation Period	1,093 days	1,097 days	881 days	-19.4%
Average Time from Receipt to Award				
Where Claim Filed within Two Year Statutory Limitation Period	957 days	928 days	812 days	-15.2%
Where Claim Filed Beyond Two Year Limitation Period	1,214 days	1,187 days	1,016 days	-16.3%

NOTES:

1. Claims must be filed with the Board within two years from the date of the incident. In certain circumstances, this time limit may be extended as determined by the Board under S.6 of the *Compensation for Victims of Crime Act* in order to move the claim forward.

HEARINGS

The Board holds hearings in 19 locations across the province: Belleville, Dryden, Hamilton, Kenora, Kingston, Kitchener, London, North Bay, Orillia, Ottawa, Peterborough, Sault Ste Marie, Sioux Lookout, St. Catharines, Sudbury, Thunder Bay, Timmins, Toronto, Windsor.

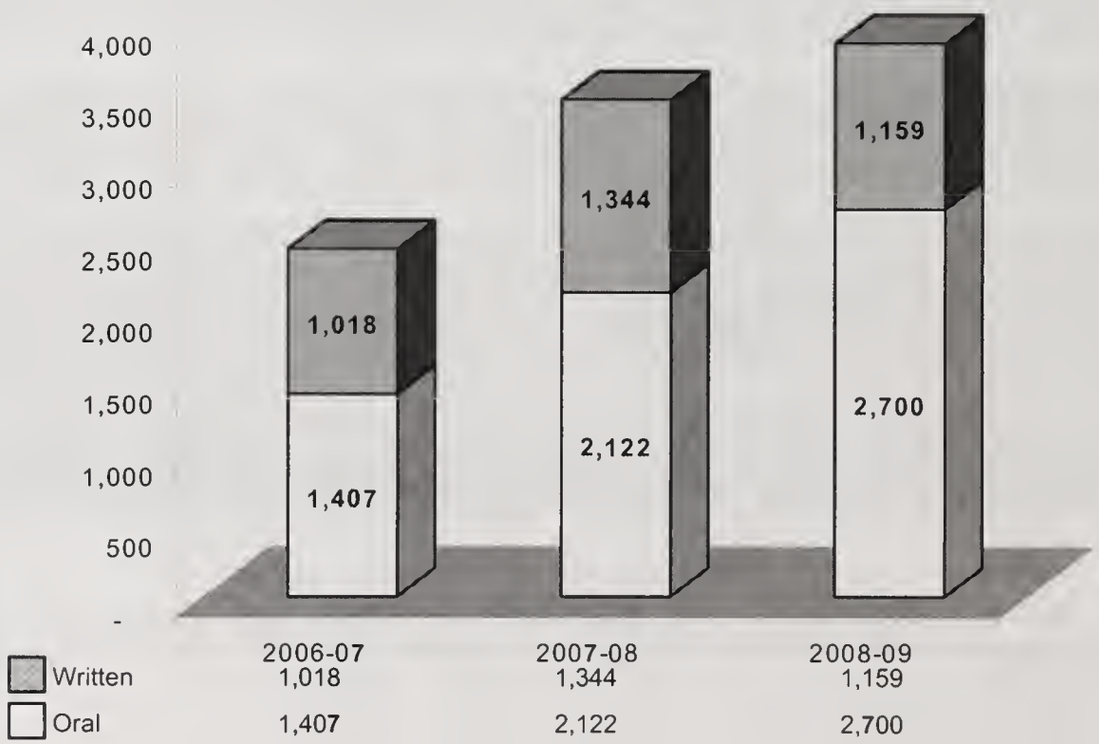
The Board determines the type of hearing. A hearing can be either written or oral. An oral hearing can be either in person or electronic.

If the hearing is written, parties do not attend. Board Members make a decision after reviewing all the documents on file. The number of written hearings includes original hearings for lump sum and periodic awards, hearings for Section 14 interim awards, Section 22 and Section 25 variation awards, and Periodic Reviews. Oral hearings are usually conducted by two Board Members, and parties are required to attend and give sworn testimony.

In 2007-08, the Board held a total of 3,466 hearings, a 43% increase over the previous year. 61% of the hearings were conducted orally and 39% were written compared to 58% and 42% respectively in 2006-07. In 2008-09, 3,859 hearings were conducted representing an additional 11% increase over the volume of hearings in 2007-08. 70% of the hearings were oral and 30% were written.

The following chart shows the number and type of hearings held over a 3-year period from 2006-07 to 2008-09.

Hearings Held By Type

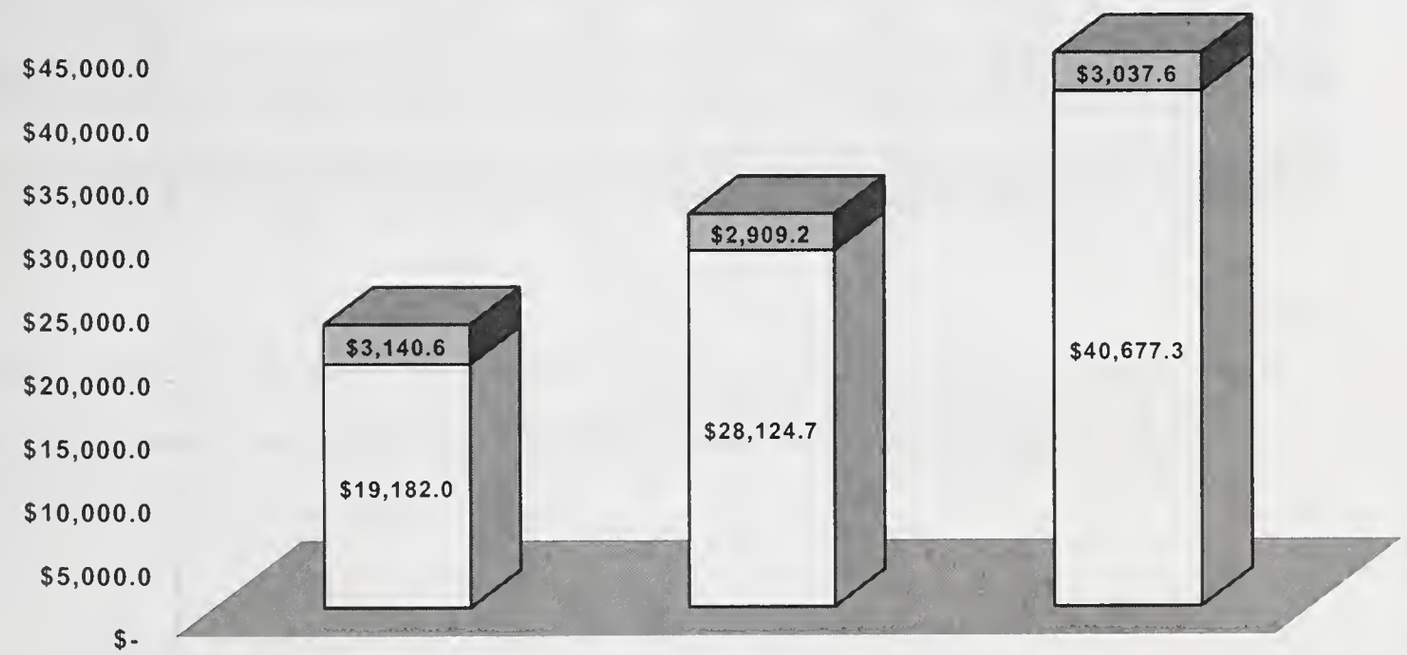


COMPENSATION AWARDS

The Board may order lump sum awards or periodic awards. Lump sum awards represent one time payments made to an eligible applicant. The lump sum total includes all lump sum payments including those awarded under Section 14 (interim awards), Section 25 (variation of awards) and Section 22 (costs) as well as payments for medical reports used in support of the claim. Periodic payments represent awards that are paid on a monthly basis.

As indicated below, total awards almost doubled between 2006-07 and 2008-09 from $22.3 million to $43.7 million. In all three years, the majority of awards were paid as a lump sum. In 2008-09, 93% of all awards were lump sum compared to 91% in 2007-08 and 86% in 2006-07. As noted on the next page, the single largest category of lump sum awards is pain and suffering. In 2006-07 $16 million was awarded for pain and suffering. This accounted for 84% of all lump sum awards. In 2008-09, pain and suffering awards constituted 89% of total lump sum awards at $36 million.

The following three tables show details regarding awards paid over the last three fiscal years.



	2006-07	2007-08	2008-09
Periodic Payments	$ 3,140.6	$ 2,909.2	$ 3,037.6
Lump Sum Awards	$ 19,182.0	$ 28,124.7	$ 40,677.3
Total	**$ 22,322.6**	**$ 31,033.9**	**$ 43,714.9**

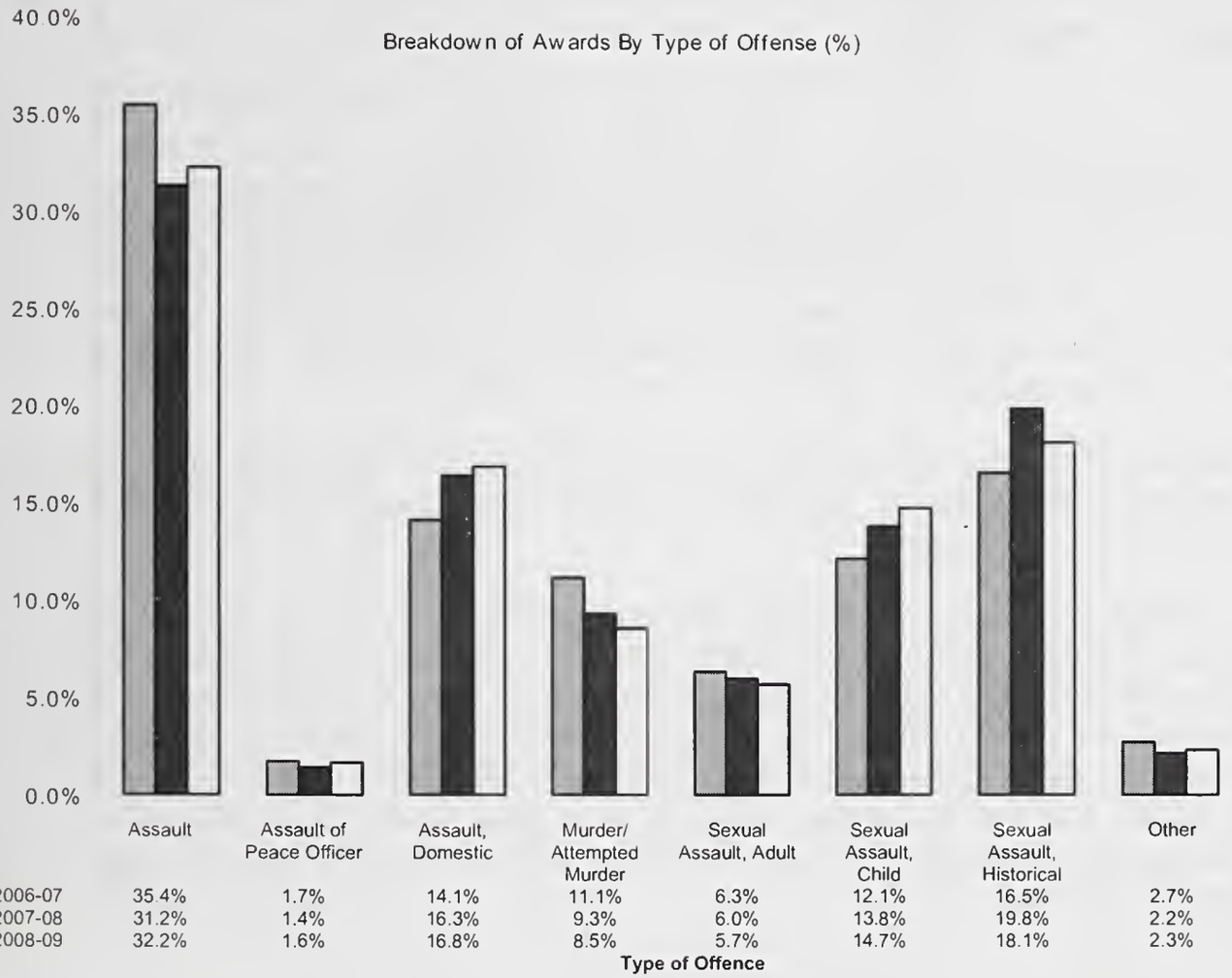
BREAKDOWN OF LUMP SUM AWARDS BY TYPE OF BENEFIT

AWARDS ($000's)	2006 – 07	2007 – 08	2008 – 09
Pain and Suffering	$16,081.2	$24,192.5	$36,227.9
Loss of Wages	$874.0	$1,011.1	$950.1
Medical Expenses [1]	$779.2	$1,054.6	$1,656.7
Funeral Expenses	$538.1	$724.2	$473.2
Legal Expenses Associated with Application	$43.2	$52.2	$68.7
Other Pecuniary Loss	$165.4	$174.2	$369.2
Other [2]	$700.9	$915.9	$931.5
Total	**$19,182.0**	**$28,124.7**	**$40,677.3**

NOTES:

1. Medical Expenses include the costs associated with obtaining medical reports in support of the application as well as dental expenses, counselling fees and ambulance fees.
2. Other includes Section 14 interim awards, Section 25 awards and the costs associated with obtaining reports in support of a Section 25 variation request.

BREAKDOWN OF LUMP SUM AWARDS BY TYPE OF OFFENCE



NOTES:

"Sexual Assault, Historical" refers to all sexual assault claims filed beyond the two year statutory limitation period.

"Other" includes arson, robbery and criminal harassment

FINANCIAL SUMMARY

The funds allocated to the Criminal Injuries Compensation Board for awards and operating expenses come from the Consolidated Revenue Fund. In the table below, "Transfer Payments" refers to awards that go directly to victims. The other expenses are operating expenses used to administer the program.

For the 2007-08 fiscal year, the government increased funding to the Criminal Injuries Compensation Board by a total of $115 million, allowing the Board to dedicate substantial additional resources to address the accumulated case backlog through the business transformation project. A Backlog Cases Accrued Liability account of $91.96 million was created to ensure that all cases in-process at March 31, 2008 could be financially addressed. In addition, there was an accrual adjustment to the Periodic Payments Accrued Liability of $6.34 million. The total transfer payment expense of $130.16 million recorded for 2007-08 includes these accruals. Actual compensation award payments totalled $31.03 million in 2007-08.

Additional operating resources were used to hire new staff, cover per diem and travel expenses of additional board members, upgrade the Board's case management system and introduce improved business processes.

In 2008-09, the government provided additional funding to allow for the $28.84 million accrual of the 2008-09 New Cases Accrued Liability, being the value of new cases initiated in 2008-09 to be compensated in future years. The total transfer payment expense of $35.67 million reported for 2008-09 includes this accrual plus the amount of periodic and medical expense payments made during the year. Actual compensation award payments totalled $43.71 million in 2008-09, of which $37.94 million pertained to backlog cases and was charged against the Backlog Cases Accrued Liability account. This level of actual compensation awards in 2008-09 was 96% higher than the total awards in 2006-07, the last year before the commencement of the business transformation project.

3 Year Financial Summary – Accrual Basis

Account Item	Fiscal Year (April 1 – March 31)		
	2006-07	2007-08	2008-09
	Actuals	Actuals	Actuals
Salaries and Wages	$2,308,126	$3,051,013	$3,733,424
Employee Benefits	$427,820	$470,325	$580,166
Transportation and Communications	$320,933	$549,557	$582,517
Services	$917,176	$1,881,312	$2,016,189
Supplies and Equipment	$165,594	$194,632	$55,427
Transfer Payments[1]	$22,322,615	$130,161,885	$35,671,671
Total	**$26,462,265**	**$136,308,725**	**$42,639,394**

NOTES:

1. For 2007-08, actual compensation paid out was $31.03 million; in 2008-09, actual compensation payments were $43.71 million.

FINANCIAL SUMMARY (cont'd)

CICB Liability Balances on March 31, 2009 (with comparative figures for March 31, 2008)

	2007-08 Year End Balance	2008-09 Year End Balance
TP-Backlog Cases Accrued Liability	$91,955,691	$34,568,159
TP-2008-09 New Cases Accrued Liability	$0	$28,842,516
TP-Periodic Payments Accrued Liability	$30,781,846	$31,772,185

NOTES:

1. The Periodic Payments Accrued Liability of $31.77 million is calculated as the 20-year liability accrual from April 1, 2009 to March 31, 2029 on periodic payment obligations existing at March 31, 2009.

PROGRAM DESCRIPTION

Overview

The Criminal Injuries Compensation Board is a quasi-judicial administrative tribunal that provides compensation to victims of violent crime occurring in the Province of Ontario. The Board is governed by the *Compensation for Victims of Crime Act*, R.S.O., 1990, c. C.24 and it follows the rules and procedures set out in the *Statutory Powers Procedure Act.* It is subject to the *Freedom of Information and Protection of Privacy Act.*

Applications may be made by or on behalf of victims who have been injured, and for expenses incurred as a result of death arising from a criminal act as defined under the *Criminal Code* R.S.C., 1985,c. C-46. Applicants must prove on a balance of probabilities that a violent crime took place, causing an injury or death, and any financial loss associated with the injury or death. Where a person has been criminally convicted of the crime, that conviction is deemed conclusive evidence that the offence has been committed.

All claims must be filed with the Board within two years from the date of the incident. In certain circumstances, the Board may decide to extend the time limit where it is warranted. The Board will consider several factors including the length and the reasons for the delay, and whether adequate evidence is available to support the claim. An extension request must be made and approved in order to move the claim forward.

In assessing whether to give compensation and the amount to award, the Board considers all of the circumstances surrounding the incident including whether the victim's behaviour caused or contributed to the injury or death, whether the victim reported the incident promptly to the police and cooperated with any investigation, and if the victim has received compensation or benefits from some other source.

Who is Eligible for Compensation?

- Individuals who have been injured as a result of a crime of violence committed in Ontario; examples of a violent *Criminal Code* offence include assault, sexual assault, and dangerous use of a firearm.

- Individuals who are responsible for the care of a victim of violent crime and suffered a loss of income or had expenses as a result of the victim's injury or death.

- Individuals who are the dependants of a deceased victim (in the case of a murder).

- Peace officers injured while attempting to arrest a person, or individuals injured while trying to prevent a crime or while helping a police officer make an arrest.

What compensation is available:

- Expenses actually and reasonably incurred or to be incurred resulting from the victim's injury or death.

- Emergency medical, dental or counselling expenses, funeral expenses and support.
- Loss of wages generally to a maximum of $250.00 per week to a maximum of $1,000.00 per month, as a consequence of the total or partial disability affecting the victim's capacity to work.
- Pecuniary loss to the dependents of a deceased victim.
- Pain and suffering.
- Maintenance of a child born as a result of a sexual assault.

The Board does not award compensation for the following:

- Damaged or stolen property.
- An accident involving a motor vehicle (i.e. drunk driving or hit and run).
- Legal fees for criminal court and/or civil suits.
- Distress of attending criminal court.
- Workplace accidents (claim should be filed with the Workplace Safety and Insurance Board).
- Grief and sorrow experienced by relatives or friends of a deceased victim.

The following types of awards can be made:

Lump Sum Awards

The Board may award up to a maximum amount of $25,000 for the injury arising out of an incident. If more than one person is affected by an occurrence, the maximum award to all applicants in respect of any one occurrence cannot exceed $150,000. Lump sum awards are the awards most frequently issued by the Board.

Periodic Awards (monthly payments)

Where the Board is satisfied there is an on-going financial loss (e.g. lost wages as a result of permanent injury), it can award up to a maximum payment of $1,000 per month, totalling $365,000 for all applicants affected by a single occurrence. If both a lump sum and a periodic award are made, the amount of the lump sum component cannot exceed $12,500. Periodic awards are reviewed regularly and may cease at a future date.

Interim Awards (Section 14 of the Compensation for Victims of Crime Act)

Where there is an immediate need for compensation to cover medical expenses, support and funeral expenses, the Board may authorize those expenses to be paid in advance of the hearing. This can only be provided where the Board has sufficient evidence that an award will likely be granted following the hearing.

Variation Awards (Section 25 of the Compensation for Victims of Crime Act)

After a hearing, the Board may vary an order for payment in certain instances such as where there has been a change in circumstances. A variation can only be granted if an award was made initially.

THE PROCESS

Filing a Claim

Claim packages are only available through the Criminal Injuries Compensation Board and can be requested by telephone at toll-free: 1-800-372-7463, locally (GTA): 416-326-2900, and in writing to 439 University Avenue, 4th Floor, Toronto, Ontario M5G 1Y8.

When contacted, CICB staff discuss the situation with the individual to determine whether they may be eligible for compensation by the Board. Where that is the case, an application package is mailed out. Once the Board receives a completed application, the application is assigned to a Compensation Analyst.

Information Gathering Stage

In order to determine whether to award compensation to an applicant, the Board requires sufficient evidence that a crime of violence took place and the relevant circumstances surrounding the incident, the nature of the injury, and the expenses or wage loss for which the applicant is seeking compensation. The Board's Compensation Analysts review the application form and determine what other information will be required to support the claim, such as hospital, medical, dental, therapy and/or court reports directly related to the incident. If the incident was reported to the police, the Board will contact the police service involved and request a written report.

The Hearing

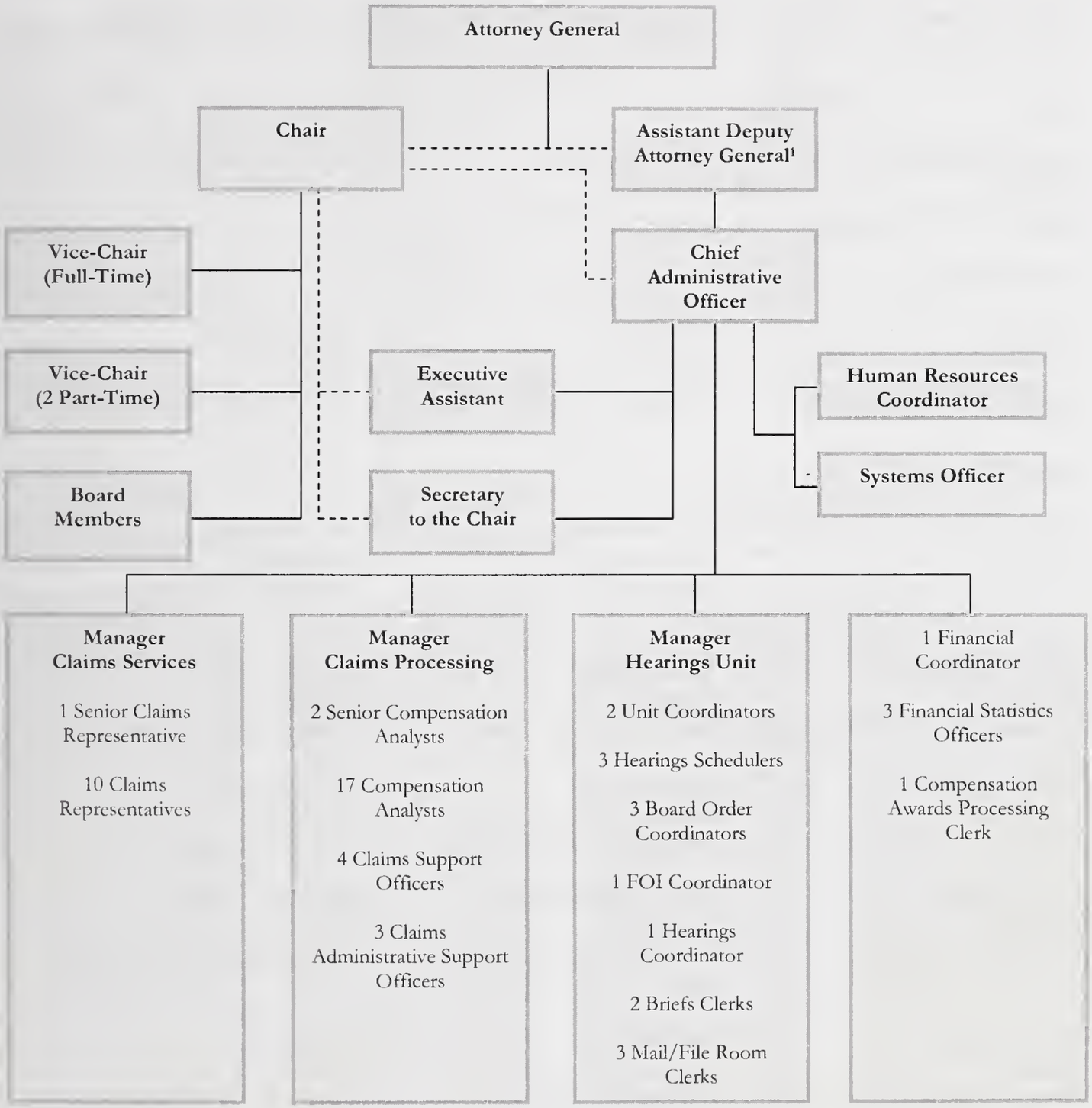
Once all of the relevant documentation is provided, Board members (i.e. the decision makers) will decide on the application after holding either an oral or written hearing. During an oral hearing, parties and witnesses give sworn testimony either in person (similar to a court) or sometimes by telephone. During a written hearing, the Board members will make a decision based on the documents and information available on the file. The applicant, the offender and the Attorney General are all parties to the hearing and may provide documentation and/or attend an oral hearing.

Once the hearing is complete, the Board will prepare a written order and send it to the parties. If the Board has decided to award compensation to the applicant, a cheque will be sent to him or her along with the written order.

After the Hearing

If an applicant does not agree with the Board's order and that decision was made by a single Board member, the applicant can request that the matter be reviewed by two or more Board members by making the request to the Board within 15 days of receiving the original decision. If the original decision was made by more than one Board member, it can only be appealed on a question of law to the Superior Court of Justice (Divisional Court) within 30 days of receiving the order.

ORGANIZATIONAL CHART



1. Ontario Victim Services Secretariat

BOARD MEMBERS

The composition of the Board is intended to reflect the diversity of Ontario's population and its various regions.

Chair

Maureen Armstrong
Toronto
August 2008 to August 2011

Marsha Greenfield
North Bay
July 1996 to July 2008

Vice-Chairs

Paula Klein
Toronto
November 2007 to November 2011

William Liber
Toronto
March 1996 to March 2009

Anne Stanfield
Toronto
November 1973 to open-ended

Board Members

Sheldon Berg
Vaughan
June 2007 to June 2009

George Berrigan
North Bay
February 2007 to February 2012

Marion Boyd
London
October 1999 to October 2009

John Brothers
Kitchener
June 2005 to May 2013

Emily Crocco
Ottawa
December 2008 to December 2010

Max Dokuchie
Ottawa
June 2005 to May 2013

Kirsten Kurzuk
Amherstburg
December 2008 to December 2010

Mario Leclerc
Brampton
June 2007 to June 2009

William Liber
Toronto
March 2009 to March 2012

Bonnie Pelletier-Maracle
Tyendinaga
December 2008 to December 2010

Gerald Martin
Brampton
June 2007 to 2008

Ronaq Massey
Mississauga
April 1999 to April 2012

Dr. Ijaz Qamar
Mississauga
June 2007 to June 2009

John Radmore
Manotick
February 2007 to February 2012

Kabir Ravindra
Toronto,
June 2007 to June 2009

Sharon A. Saunders
Guelph
October 2002 to October 2009

Gail Scott
Toronto
December 1998 to December 2008

Tyrone Skanes
Georgetown
June 2007 to June 2009

BOARD MEMBERS (cont'd)

Board Members

Roderick Flynn
Toronto
June 2007 to June 2009

Bruce Goulet
North Bay
June 2007 to June 2009

Gemma Harmison
Barrie
September 2006 to March 2011

Jo-Anne Hughes
Kitchener
October 2008 to October 2010

Sukhdeep Kang
Brampton
June 2007 to June 2008

Willson McTavish
Mississauga
February 2007 to February 2012

Virginia Morra
Mississauga
June 2007 to June 2009

Elaine Newman
Toronto
November 2005 to November 2008

Stanley Newman
Toronto
June 2005 to May 2009

Edward T. Philip
Vaughan
June 2007 to February 2009

Al Spadaccini
Ottawa
December 2007 to December 2012

Linda Spears
Toronto
June 2007 to June 2011

Dawn Sullivan
Ottawa
February 2007 to February 2012

Maria Tassou
Richmond Hill
June 2007 to June 2009

Leni Untinen
Thunder Bay
February 2007 to February 2012

Dawn Wickett
North Bay
June 2007 to June 2009

SAMPLE BOARD ORDER DECISIONS

Over the two year period covered in this report, the Board rendered decisions in 7,325 cases. The following is a sampling of decisions rendered representing a range of violent offences, the injuries flowing from them and awards given.

0403-46953 – Home Invasion, Robbery

This applicant and his wife were the victims of a home invasion. The applicant responded to a knock at the door and opened it, thinking it was a pizza delivery. Three masked men carrying weapons stormed into their apartment demanding money. The applicant was beaten about the head and body with a baseball bat and steel pipe, and his wife had a gun pointed at her. The assailants stole the small amount of money they could find and a laptop computer and ran off. The applicant was taken to the hospital by ambulance and required sutures to close numerous lacerations to his head. He also sustained numerous bruises and scrapes, which did not require treatment. He missed 18 days of work due to his injuries. Only one of the assailants was later identified and charged.

Decision: The Board considered the police and medical evidence, as well as the oral testimony of the applicant, and found him to have sustained numerous soft tissue injuries and lacerations as a result of the home invasion. The applicant was awarded $45.00 for the ambulance expense, $900.00 for income loss, and $5,000.00 for pain and suffering.

0609-61375 – Nervous Shock Resulting from Death of Son

This application was brought by a woman alleging to have sustained the psychological injury known as 'mental or nervous shock' as a result of learning that her son had been murdered. The police evidence confirmed that on the night her son was killed, he was with his girlfriend, breaking into cars in order to steal objects that could be sold to support his cocaine habit. He was approached by the owners of one of the cars, who struck him several times with a hammer and kicked him when he was on the ground. The applicant's son died as a result of his injuries. After being told of her son's murder, the applicant experienced anger and depression, and had trouble eating and sleeping, for which she received counselling. According to police evidence, the deceased and the alleged offenders all had significant histories of criminal convictions for violence, weapons and drug offences.

Decision: In making its decision, the panel considered all the relevant circumstances, including the fact that the deceased was killed as a result of breaking into the car of his assailants. The Board also found that while the applicant suffered a significant and tragic loss, there was no medical or therapy evidence to support a finding of mental or nervous shock. This application for compensation was denied.

0607-60063 – Funeral Expenses

This was an application brought by the son of a woman who was murdered in her family home by her husband, the father of the applicant. This application was for the reimbursement of funeral expenses only.

Decision: The Board found the applicant compensable and ordered that he be reimbursed $4,833.80, the amount he paid for his mother's funeral.

0602-58015 – Police Officer Injured while Making an Arrest

This application was brought by a police officer who injured his middle finger while arresting a male who had grabbed a woman by the throat during a domestic dispute. This officer re-injured his finger six weeks later, while arresting a different offender for assault causing bodily harm. As a result of the soft tissue injuries he sustained, the police officer may require surgery or steroid injections to address the impairment and pain.

Decision: The Board found that the police officer sustained physical injury to his finger as a result of each incident, leaving him in pain and requiring further medical intervention in order to heal and have full use of his right hand. He was awarded $1,000.00 for pain and suffering as a result of each incident, for a total of $2,000.00.

0409-50235 – Mugging

This applicant was out drinking with friends one summer night. At one point he left the bar to get something to eat, and was attacked from behind by four assailants. He was kicked and punched repeatedly about the body. The attack stopped when someone drove by and slowed down to offer assistance. The assailants ran off and were never identified. The applicant's injuries included a bruised eye, a torn rotator cuff, and a fracture to one vertebra.

Decision: The applicant was found to be a victim of an assault, and after considering all relevant circumstances, including the nature of his injuries, the Board awarded him $5,000.00 for pain and suffering as well as travel to physiotherapy expenses in the amount of $300.00.

0601-57832 – Domestic Assaults

This applicant was physically abused by her husband throughout their 16-year marriage. In addition to being emotionally abusive and having extra-marital affairs, the offender physically assaulted the applicant more than 50 times during their marriage. The assaults included slapping, hitting and pushing, kicking her in the stomach, throwing objects at her, and on at least one occasion, having sex with her while she was unconscious from a seizure. The offender was convicted on two counts of assault and served 39 days in custody. The applicant's injuries included severe bruising to her face and body, cuts, and pain. She also experienced anxiety, depression, sleep disturbance and fear as a result of all the abuse. While she never sought physical treatment, the applicant was treated with anti-depressant medication.

Decision: The Board found that the applicant had indeed suffered multiple injuries over the years, both physical and psychological, as a result of the countless assaults. The Board made a global award for pain and suffering in the amount of $12,000.00, which accounted for the cumulative impact of all the occurrences of assault. While the applicant had also made a claim for wage loss incurred as a result of her periodic inability to work, she was unable to substantiate her

claim with either medical evidence or written evidence documenting a loss of income, so that aspect of her claim was denied.

0407-49024 – Aggravated Assault with a Weapon, Criminal Harassment

This 24-year-old applicant moved into a housing complex in a new city, when she began a new job. A man living in the complex became quite friendly with her and she thought that, perhaps, he had a 'crush' on her. Over time he became increasingly intrusive and began following the applicant. In her attempts to avoid the offender one day, she used the fire escape to return to her room. The man confronted her later that day, asking why she was avoiding him. He then produced a knife, raised it over his head and began stabbing her. Another tenant came to her rescue and the police were called. The offender was convicted of multiple charges including attempt murder, and criminal harassment, but found not criminally responsible for psychiatric reasons. The applicant was hospitalized for a week and underwent surgery to repair her wounds. She was left with physical pain and scars, and profound psychological trauma.

Decision: The Board found that the applicant had sustained significant physical and psychological injuries as a result of this terrifying experience. She was compensated for numerous medical expenses in the amount of $720.00, and awarded compensation for pain and suffering in the amount of $15,000.00.

0805-71077 – Assault

This applicant was physically assaulted by her brother in her own home, upon his release from jail. He had been incarcerated as a result of domestic assaults, and was angry that his family had not supported him during his trial. He came to the applicant's apartment and demanded entry. The applicant told him to keep his distance as she was pregnant, but instead he threatened to kill her and grabbed her by the neck, tried to choke her, and punched her repeatedly in the face. The offender then fled the scene and was later arrested and convicted of assault and threatening death. The applicant was taken to the hospital and her injuries included scratches and bruising all over her body. The following day she had a miscarriage.

Decision: The Board found the applicant to have sustained physical and psychological injuries as a result of this attack from her brother, including the resulting miscarriage, and awarded her $7,000.00 for pain and suffering. She was also compensated for income loss in the amount of $1,200.00 and the ambulance expense in the amount of $45.00.

0805-71224 – Historical Child Sexual and Physical Abuse

A 54-year–old woman brought an application as a result of being physically and sexually assaulted by her stepfather as a child. The abuse occurred when she was between the ages of 3 and 11 and included oral sex and sexual intercourse. The applicant's stepfather often beat her, punched her, and pulled her hair. He would use a leather belt with metal studs or pieces of lumber to strike her during the beatings.

In an attempt to escape the family home, the applicant got into trouble with the law at the age of 13 and she was place in a reformatory school. As a result of the abuse, she had difficulty trusting men, especially when they were around children. All of the applicant's past relationships came to an end as a result of intimacy issues and she often blamed herself for the abuse. The applicant never went to counselling because she did not want to be reminded about the abuse.

Decision: The panel found, on the balance of probabilities, that the applicant had suffered multiple acts of physical and sexual assault that occurred frequently, over a period of several years, leaving her with significant psychological impairment. She was awarded $15,000.00 for the cumulative injuries sustained as a result of the abuse she experienced in her childhood over an eight-year period.

0606-59914 – Historical Child Sexual Abuse

This application was brought by a 26-year-old woman as a result of being sexually assaulted by her shiatsu therapist on several occasions. The applicant developed glaucoma at the age of 9 and eventually lost all vision in both eyes when she was in grade 5. In an attempt to restore her vision, her parents brought her to a shiatsu therapist every Saturday morning beginning when she was 10 or 11 years old. During her treatment sessions, the applicant was instructed to remove her socks and pants and she was left wearing only a pair of shorts and usually a t-shirt. The therapist would proceed to massage her body. During her weekly sessions the therapist would touch her breasts and digitally penetrate her vagina. This abuse occurred between the ages of 12 and 13. On one occasion, the therapist forced her to touch his penis. It was at this point that she realized the manner in which the therapist was treating her was wrong. As a result of the sexual abuse, the applicant has suffered from depression, suicidal thoughts, trust issues, lack of confidence, mood swings and has had difficulty maintaining relationships.

Decision: The Board found, on the balance of probabilities, that the applicant had been a victim of multiple acts of sexual assault that occurred over a period time, every Saturday between February 1995 and April 1996, leaving her with significant psychological impairment. She was awarded $12,000.00 for the cumulative injuries sustained as result of the abuse she experienced over time, $2,240.00 for past therapy expenses, and $4,160.00 for future therapy treatment, for a total award of $18,400.00.

The Board recognizes that no amount of money can compensate for the physical and emotional impact of violent crime, these awards provide needed support to victims and public recognition of the injuries they have suffered.

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